

## Message Text

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ORIGIN EUR-12

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DRAFTED BY EUR/EE:WSSHEPARD/FDR

APPROVED BY EUR/EE:NGANDREWS

SCA/VO:DDILLARD

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FM SECSTATE WASHDC

TO AMEMBASSY BUDAPEST PRIORITY

INFO USMISSION NATO PRIORITY

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E.O. 11652: N/A

TAGS: CVIS,HU (MESTERHAZY,ZSOLT)

SUBJECT: DIVIDED FAMILIES:MESTERHAZY

REF: A. BUDAPEST 1039; B. BUDAPEST 1028; C.STATE 84395

USNATO FOR MCAULIFFE

1. EUR/EE DIRECTOR ANDREWS CALLED HUNGARIAN DCM KOVACS TO DEPT APRIL 15 AND INFORMED HIM THAT WE HAD LEARNED THAT THE HUNGARIAN INTERIOR MINISTRY HAD INFORMED ZSOLT MESTERHAZY THAT HIS APPLICATIONS FOR EMIGRATION PASSPORTS HAD BEEN REJECTED. ANDREWS SAID WE FEEL WE HAVE BEEN MISLED IN THIS CASE. WHEN KOVACS HAD TALKED WITH EUR/EE DEPUTY DIRECTOR BROWN IN DECEMBER, GOH HAD TAKEN POSITION THAT IT MIGHT BE PREPARED TO CONSIDER FAVORABLY NEW-EMAGRATIN APPLICATIONS FOR THE MESTERHAZY FAMILY. EVER SINCE THAT TIME , BOTH HERE AND IN BUDAPEST, WE HAVE HAD THE CLEAR IMPRESSION THAT EVERYTHING WAS BEING DONE IN A NORMAL MANNER, WITH NO UNUSUAL PROBLEMS AND NO INDICATION THAT THE GOH  
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POSITION WAS ANY DIFFERENT. IT NOW TURNS OUT THAT WE HAVE

BEEN MISLED.

2. ANDREWS SAID THAT WHEN HE WAS IN BUDAPEST IN EARLY DECEMBER, HE HAD PERSONALLY MADE IT CLEAR TO THE GOH OFFICIALS THAT MESTERHAZY WOULD BE WILLING TO MAKE A NEW APPLICATION ONLY IF THERE WERE SOME ASSURANCE THAT HE WOULD NOT BE WASTING HIS TIME. DOCUMENTS HAVE BEEN PREPARED, TRANSLATED AND TRANSMITTED TO BUDAPEST IN SUPPORT OF THE APPLICATIONS. THE APPLICATIONS THEMSELVES HAD THEN BEEN MADE TO THE GUARDIANSHIP AUTHORITIES, WHO HAD APPROVED THEM. IT APPEARED NOW THAT THE ENTIRE PROCESS HAD BEEN A COMPLETE WASTE OF TIME. HOW SHOULD WE NOW INTERPRET THIS GOH ACTION, IN VIEW OF PREVIOUS ASSURANCES?

3. KOVACS, WHO APPEARED SURPRISED AT THE NEWS, SAID THAT HE HAD HAD NO NOTICE FROM BUDAPEST OF THIS DECISION. A DIPLOMATIC POUCH HAD JUST ARRIVED THAT MORNING, WITH NO NEWS ON THE CASE. HE AGREED WITH ANDREWS' OBSERVATION THAT THE HUNGARIAN FOREIGN MINISTRY ITSELF PROBABLY DIDN'T KNOW ABOUT THE DECISION, AND UNDERTOOK TO HAVE THE MFA INQUIRE OF THE INTERIOR MINISTRY THE REASONS FOR THE DECISION, AND TO INFORM THE DEPT ACCORDINGLY. KOVACS SAID THAT HE HAD BEEN PREVIOUSLY HAPPY TO HEAR THAT THE CASE HAD BEEN PROCEEDING FAVORABLY AND NORMALLY, AND RECALLED TO ANDREWS THAT THE CASE HAD BEEN DISCUSSED "EVERYTIME WE MET." HE ACCORDINGLY COULD OFFER NO EXPLANATION FOR THE SECOND REFUSAL, BUT UNDERTOOK TO FIND OUT.

4. ANDREWS SAID THAT FORTUNATELY, ONE WAY STILL EXISTED IN WHICH THE ENTIRE MATTER COULD BE RECTIFIED. HUNGARIAN LAW PROVIDES FOR THE RIGHT OF APPEAL, AND ZSOLT MESTERHAZY WILL EXERCISE THAT RIGHT. THIS LOOKS TO US LIKE THE LAST CHANCE TO SOLVE THE CASE SATISFACTORILY. IT REMAINS TO BE SEEN WHETHER GOH WILL WANT TO TAKE THIS REMAINING OPPORTUNITY TO REVERSE THE PRESENT DECISION. IF THE DECISION ON THE APPEAL IS NEGATIVE, WE WILL BE OBLIGATED TO RAISE THE ISSUE EVERY CONCEIVABLE OPPORTUNITY, SINCE WE FEEL WE HAD A FAIRLY CLEAR COMMITMENT TO A FAVORABLE DECISION ON THE SECOND APPLICATION. THE MATTER IS NOW ENTIRELY IN THE HANDS OF THE GOH; ANDREWS CONCLUDED.

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5. KOVACS AGAIN UNDERTOOK TO ASCERTAIN THE REASONS FOR THE REFUSAL. TOLD THAT MESTERHAZY PLANNED TO APPEAL THE DECISION THIS WEEK, KOVACS (A LAWYER) ADDED THAT HUNGARIAN

LAW PROVIDED THAT THE APPEAL MUST BE DECIDED THIRTY DAYS FROM THE DATE THAT THE APPEAL IS MADE.

6. EMBASSY SHOULD TAKE EARLY AND CONTINUING OPPORTUNITY  
TO FOLLOW UP WITH MFA, AND SPECIFICALLY, SHOULD CASE STILL  
BE OUTSTANDING, WITH ESZTERGALYOS PRIOR TO HIS DEPARTURE  
FOR THE UNITED STATES. KISSINGER

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